

Docket No.: V9661.0072

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Cyrus R. Kumana et al.

Confirmation No.: 5138

Application No.: 10/669,869

Group Art Unit: 1616

Filed: September 23, 2003

Examiner: F.I. Choi

For:

FORMULATION OF ORAL

COMPOSITIONS COMPRISING

ARSENIC TRIOXIDE AND METHODS OF

USE THEREOF

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Timing of Filing of the Information Disclosure Statement:

	This IDS is being filed before the First Office Action ¹ .
X	This IDS is being filed after the issuance of the First Office Action but before

 $^{^{\}rm 1}$ The IDS should, where possible, include a certification under 37 CFR § 1.97(e).

PTO/SB/17 (01-06)
Approved for use through 7/31/2006. OMB 0651-0032
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Hees pursuant to t	he Consolidated Approp	riations Act, 2005 (1	I.R. 4818).			plete if Know		
FEE TRANSMITTAL For FY 2006						0/669,869-Conf. #5138		
						September 23, 2003		
						Cyrus R. Kumana		
				Examiner Nam		F. I. Choi		
X Applicant claims small entity status. See 37 CFR 1.27				Art Unit		1616		
TOTAL AMOUNT OF PAYMENT (\$) 180.00				Attorney Docket No. V9661.0072				
METHOD OF	PAYMENT (check	all that apply)						
Check	x Credit Card	Money Order	Nor		r (please ident	· · · — — — — — — — — — — — — — — — — —		
Deposit Acc	count Deposit Account	Number: 50-2215	Deposit Acc	ount Name:	Dickstein S	hapiro Morin &	Oshinsk	y LLP
For the	above-identified depo	osit account, the	Director is	hereby authori	zed to: (ched	ck all that apply)		
Cr	narge fee(s) indicated	d below		Chai	rge fee(s) ind	dicated below, ex	cept for t	he filing fee
	Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17							
FEE CALCUL	ATION (All the fe	es below are	due upo	n filing or ma	y be subje	ct to a surcha	rge.)	•
	G, SEARCH, AND E							
	FI	LING FEES		ARCH FEES		NATION FEES		
Application Ty	rpe Fee_(\$	Small Entity Fee (\$)	Fee (\$	Small Entity) Fee (\$)	L Fee (\$)	Small Entity Fee (\$)	Fees I	Paid (\$)
Utility	300	150	500	250	200	100		
Design	200	100	100	50	130	65		
Plant	200	100	300	150	160	80		
Reissue	300	150	500	250	600	300		
Provisional	200	100	0	0	0	0		
2. EXCESS CLA	NM FEES							Small Entity
Fee Description							Fee (\$)	Fee (\$)
	20 (including Reiss						50	25
-	nt claim over 3 (incl	uding Reissues)					200	100
Multiple depend	ent claims						360	180
Total Claims	Extra Claims	Fee (\$)	Fee I	Paid (\$)	_	ultiple Depende		
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Indep. Claims	Extra Claims	Fee (\$)	Fee F	Paid (\$)				
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listings und	tion and drawings e er 37 CFR 1.52(e)),	the application s	size fee du	ie is \$250 (\$125	for small e	led sequence or on the sequence or of the sequence of the sequ	computer Iditional 5	0
	sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)							
	100 =	/50		(round up to a w	hole number)	x=		D-14(6)
4. OTHER FEE(S) Non-English Specification, \$130 fee (no small entity discount)								
					Dicologues	Statement	40	80.00
Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement 180.00								
SUBMITTED BY	- /)			Registration No.				
Signature	YA	1		(Attorney/Agent)	55,749	Telephone	(212) 27	7-6500
Name (Print/Type)	Cindy Yang					Date	June 20	, 2006
			_					

I hereby certify that this correspondence is 262736904 US, in an envelope addressed to	being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the
date shown below.	
6/. 1.	
Dated: 120/06	Signature:
Dates.	Cindy Yang
·	Cindy rang

	1 No.: 10/669,869 Docket No.: V9661.0072 on Disclosure Statement (6/20/06)
	issuance of a Final Office Action ² .
	This IDS is being filed after the issuance of a Final Office Action but before payment of the Final Fee ³ .
Certificat	tions:
	If checked, the undersigned makes the following statement(s):
	Statement under 37 CFR 1.97(e):
	Each item of information contained in this information disclosure statement
	was first cited in any communication from a foreign patent office in a
	counterpart foreign application not more than three months prior to the filing
	of this information disclosure statement; and/or
	No item of information contained in this information disclosure statement
	was cited in a communication from a foreign patent office in a counterpart
	foreign application, and, to the knowledge of the undersigned after making
	reasonable inquiry, no item of information contained in this information
	disclosure statement was known to any individual designated in §1.56(c)
	more than three months prior to the filing of the information disclosure
	statement.
	Statement under 37 CFR 1.704(d):
	Each item of information contained in this information disclosure statement
	was cited in a communication from a foreign patent office in a counterpart

application and this communication was not received by any individual

 $^{^2}$ The IDS must include either a certification under 37 CFR \S 1. 97(e) or the fee set forth in 37 CFR \S 1.17(p).

³ The IDS must include both a certification under 37 C.F.R. §1.97(e) *and* the fee set forth in 37 C.F.R. §1.17(p).

U.S. Serial No.: 10/669,869 Docket No.: V9661.0072

Information Disclosure Statement (6/20/06)

designated in 1.56(c) more than thirty days prior to the filing of this information disclosure statement.

Fee Required by 37 CFR 1.97(c)(2) or 1.97(d)(2):

X If checked, the fee of \$180.00 set forth in 37 CFR 1.17(p) is attached.

Materiality:

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

U.S. Serial No.: 10/669,869 Docket No.: V9661.0072

Information Disclosure Statement (6/20/06)

Please charge our Credit Card in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2215, under Order No. V9661.0072.

Dated: June 20, 2006

Respectfully submitted

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PTO/SB/08a/b (07-05)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

1 1 of Sheet

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	Complete if Known
Application Number	10/669,869-Conf. #5138
Filing Date	September 23, 2003
First Named Inventor	Cyrus R. Kumana
Art Unit	1616
Examiner Name	F.I. Choi
Attorney Docket Number	V9661.0072

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
		AU, WING-YAN et al., "Oral arsenic trioxide in the treatment of relapsed acute promyelocytic leukemia", <i>Blood</i> 102(1):407-408 (July 1, 2003)	
		AU, WING Y. et al., "Treatment of Relapsed Acute Promyelocytic Leukemia by Arsenic-Based Strategies without Hematopoietic Stem Cell Transplantation in Hong Kong: A Seven-Year Experience", Blood (ASH Annual Meeting Abstracts), 104:Abstract 395 (2004)	
		AU, WING-YAN et al., "Successful Treatment of Relapsed Acute Promyelocytic Leukemia in a Patient Receiving Continuous Ambulatory Peritoneal Dialysis With Oral Arsenic Trioxide", Arch Intern Med., 165:1067-1068 (2005)	
		AU, WING-YAN et al., "Elemental arsenic entered the cerebrospinal fluid during oral arsenic trioxide treatment of meningeal relapse of acute promyelocytic leukemia", <i>Blood</i> , 107(7):3012-3013 (2006)	
		KUMANA, C.R. et al., "Systemic availability of arsenic from oral arsenic-trioxide used to treat patients with hematological malignancies", Eur J Clin Pharmacol, 58:521-526 (2002)	
		SIU, CHUNG-WAH et al., "Effects of oral arsenic trioxide therapy on QT intervals in patients with acute promyelocytic leukemia: implications on long-term cardiac safety", <i>Blood</i> , 0:2006-01-0054 (2006)	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Date	
Signature Consi	dered

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.